

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 35 and Rule 70)

Applicant's or agent's file reference E 1167	FOR FURTHER ACTION		See Form PCT/ISPA/416
International application No. PCT/ES2004/000488	International filing date (day/month/year) 04.11.2004	Priority date (day/month/year) 05.11.2003	
International Patent Classification (IPC) or national classification and IPC A47C7/70			
Applicant FIGUERAS INTERNATIONAL SEATING, S.A.			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 20.

2. This REPORT consists of a total of _____ sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

- a. ☒ (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:
- ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets requiring rectifications authorized by this Authority (see Rule 70.16 and Section 807 of the Administrative Instructions).
- ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. 1 and the Supplemental Box.
- b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____

_____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/ES	Authorized officer
Faxsimile No.	Telephone No.

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International application No.

PCI/ES2004/000488

Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p>
2.	<p>With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>1-8</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages** _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.** <u>9, 10</u> _____ received by this Authority on <u>02.06.2005</u></p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>1/5-5/5</u> _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets** _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input checked="" type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input checked="" type="checkbox"/> the claims, nos. <u>1-4</u> _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (specify): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p>
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (specify): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p>

* If item 4 applies, some or all of these sheets may be marked "superseded."

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International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
1. Statement	
Novelty (N)	Claims 1-3 YES Claims NO
Inventive step (IS)	Claims 2, 3 YES Claims 1 NO
Industrial applicability (IA)	Claims 1-3 YES Claims NO
2. Citations and explanations (Rule 70.7)	<p>Documents taken into consideration:</p> <p>D1: JP 9206170 A (20-12-1979) D2: DE 8286389 A (20-12-1979)</p> <p>The main subject matter of the invention relates to a seat tray table hinge including an assembly for rotating and stowing same in an armrest. Following the amendments to the claims submitted on 02 February 2005, the subject matter that characterises claim 1 has been changed because one part of the characterising part, together with the former claim 2, has been transferred into the preamble, leaving a characterising part comprising only part of claim 1 as originally filed.</p> <p>Consequently, the preamble contains a holder with a hollow shaft provided with a head at the end thereof pivotably connected to the tray panel, which shaft includes a spring-biased rod. As indicated in the written opinion, these features are found in document D1, even though the rod engages and is inserted into a toothed wheel instead of a cam with a notch, thereby temporarily locking the table.</p>

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It was also indicated in the written opinion that the features contained in claim 2 as originally filed, and transferred into claim 1 as part of the amendment of the claims, were already found in document D2, meaning that an angular notch and a perpendicular bolt that together define the range of rotation of the shaft in respective abutment positions are found in document D2.

It follows that the preamble does not contain any features that were not present in said documents.

With regard to the new characterising part of claim 1, the amendments filed in 02 February 2005 are such that said claim is characterised in that "the rod slidingly engages the edge of the cam defining a notch into which the end of the rod is slidingly insertable, thereby temporarily preventing rotation of the table".

As previously indicated, document D1 mentions not a cam with a notch but a toothed wheel. However, document D2 mentions that the tray table is pivotably mounted by means of a cam-like assembly. A rod axially inserted into a rotational shaft projecting outwards through the spring-biased head and slidingly engageable with the edge of the cam is also mentioned in said document. The cam includes portions in which the slidably engaged rod can be inserted to prevent rotation of the table temporarily in the two end positions of the rotational range of movement (see the description and figures 1 and 2).

As a result, it is considered that a person skilled in

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the art would attempt to combine the main parts of document D1 with closest prior art document D2, and would thus arrive at the features in claim 1 with a reasonable expectation of success. For this reason, said claim is not considered to involve an inventive step.